

C1
08/861,457. Application serial no. 09/956,806, filed on September 21, 2001, is also a
continuation of reissue application serial no. 08/861,457. All of the above applications are
reissue applications of original U.S. Patent 5,462,120, application No. 07/814,585, filed
December 30, 1991. EWD

REMARKS

Applicant files this Amendment in response to the Office Action mailed on February 28, 2003. Applicant has not added, amended, or cancelled any claims in this Amendment. Accordingly, the status of all claimed in this application is that claims 1-10 and 14 have been cancelled and claims 11-13 are pending.

In the Office Action of February 28, 2003, the Examiner rejected claims 11-13, under the judicially created doctrine of obviousness-type double patenting, as being unpatentable over claims 1-7 of U.S. Patent No. RE37867. Without agreeing with that rejection, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) regarding the above-identified application and U.S. Patent No. RE37,867, and respectfully requests withdrawal of the rejection.

In the outstanding Office Action, the Examiner also objected to the specification based on an informality. Applicant has amended the specification as suggested by the Examiner and requests withdrawal of the objection.

The Examiner did not approve the drawings filed on January 29, 2003, because Figures 4 and 10 were not labeled --AMENDED--. Applicant submits herewith a Supplemental Submission of Formal Drawings with Figs. 1-13, with the label --AMENDED-- added to Figs. 4 and 10 as suggested by the Examiner. Accordingly, Applicant respectfully requests approval of the drawings.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

The Examiner further required Applicant to submit a statement that the original patent was surrendered in parent application no. 08/861,457. Applicant submits the attached Reissue Patent Application Statement As To Loss Of Original Patent. Accordingly, Applicant respectfully asserts that this requirement has been fulfilled in compliance with 37 C.F.R. § 1.178.

The Examiner also objected to the application under 37 C.F.R. § 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. Applicant files herewith an Assent of Assignee in compliance with 37 C.F.R. § 1.172(a), consenting to the reissue of U.S. Patent No. 5,462,120. The authority of the assignee to consent to this reissue of U.S. Patent No. 5,462,120 is set forth in the following statement under 37 C.F.R. § 3.73(b).

The above-identified reissue application is a continuation of reissue application no. 08/861,457 for U.S. Patent No. 5,462,120 (the '120 patent). A title report was filed in the parent reissue application no. 08/861, 457, establishing that Halliburton Energy Services, Inc. is the assignee of U.S. Patent No. 5,462,120, and reissue application 08/861,457. The title report shows that the '120 patent was assigned by the inventor Michel Gondouin to S-Cal Research Corporation on December 12, 1991, recorded at Reel 6081, Frame 0249. The title report further shows that the '120 patent was assigned by S-Cal Research Corporation to Halliburton Company on November 21, 1996, recorded at Reel 8251, Frame 0146. The title report also shows that the '120 patent was assigned by Halliburton Company to Halliburton Energy Services, Inc. on December 12, 1996, recorded at Reel 8535, Frame 0562. Thus, the undersigned, who is authorized to act on behalf of the assignee Halliburton Energy Services, represents that the chain of title from the inventor, Michel Gondouin, to Halliburton Energy Services, Inc., has been established in accordance with 37 C.F.R. § 3.73(b).

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Applicant further submits the Supplemental Declaration of Michel Gondouin attesting that all errors corrected in this reissue application were made without deceptive intent.

If any fees are required, please charge such fees to our Deposit Account No. 06-0916. In addition, please grant any extensions of time required to enter this response and charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 9, 2003

By: 

Kathleen A. Daley
Reg. No. 36,116

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com